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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,463	10/23/2001	Eric Anderson	10015967-1	4059

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EXAMINER

HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
2121	6

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,463

Applicant(s)

ANDERSON ET AL.

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-19 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 9-12, 20-24 and 26-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3&5</u> . | 6) <input type="checkbox"/> Other: _____ |



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Examiner's Detailed Office Action

1. This Office Action is responsive to application **10/046,463**, filed **October 23, 2001**.
2. **Claims 1-33** have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 13-19 & 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hirosawa et al.* (USPN 5,995,729) in view of *Sisk et al.* (USPN 6,366,644) further in view of *Grimsrud* (USPN 5,726,913).

Regarding claim 1, 13 & 25: *Hirosawa et al.* teaches a method for adaptation of a computer system, data storage system, network or subsystem (*Hirosawa et al.* C 2, L 60 to C 3, L 23 & C 6, L 5-25) comprising developing a design for the system (*Hirosawa et al.* C 3, L 13-18 &

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C 6, L 5-25, *Examiner interprets defining a system configuration as developing a design for the system*), implementing the design (*Hirosawa et al.* C 3, L 13-18 & C 6, L 5-25, *Examiner interprets installing the computer system as implementing the design*), analyzing operation of the design after said implementing (*Hirosawa et al.* C 4, L 1-16); and modifying the design based on results of said analyzing (*Hirosawa et al.* C 4, L 43-58). *Hirosawa et al.* does not teach performing an automated loop. However, *Sisk et al.* teaches performing an automated loop (*Sisk et al.* C 4, L 26-29). *Sisk et al.* does not teach forming a trace of storage system events or forming workload characterization from the trace. However, *Grimsrud* teaches forming a trace of storage system events (*Grimsrud* C 1, L 59-67 & C 3, L 38-44); forming workload characterization from the trace (*Grimsrud* C 1, L 59-67, & C 3, L 38-44); applying the workload characterization to models of components of the data storage system (*Grimsrud* FIG. 1, C 2, L 60 to C 3, L 3), wherein said applying indicates utilization of a component of the data storage system (*Grimsrud* FIG. 2; C 3, L 12-25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains because when installing a new computer system comprising a set of central processing units, a set of input/output units and a set of other pieces of equipment, or when it is necessary to add new equipment to or to move some equipment from an existing computer system, the following jobs need to be done.

(1) Determine a layout within an installation site. ... (6) Determine configuration parameters required by the OS (operating system) and generate a system based on the configuration parameters. (*Hirosawa et al.* C 1, L 21-42)

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Regarding claim 2-4 & 14-16: *Hirosawa et al.* teaches forming models of components of the system and applying results of said analyzing to the models, analyzing to the models indicates utilization of a component of the system, modifying the design is performed in response to the utilization. (C 4, L 50-55)

Regarding claim 5-7, 17-19 & 31-33: *Hirosawa et al.* teaches modifying is also performed in response to a desired headroom level, desired headroom level provides that components of the system operate at less than 100% utilization, desired headroom level provides that components of the system operate at more than 100% utilization. (C 8, L 03-22)

Regarding claim 8: *Hirosawa et al.* teaches implementing the design comprises forming a plan and then implementing the plan. (C3, L 24-59)

Claim Objection

5. Claims 9-12, 20-24, 26-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

Correspondence Information

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If any attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of

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Crystal Park II, 2121 Crystal Drive Arlington, Virginia.

Michael B. Holmes

Patent Examiner

Artificial Intelligence

Art Unit 2121

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